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09/002,906	01/05/98	WUGOFSKI	T 450.196US1
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EXAMINER

TRAN, H

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 04/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application

09/002,906

Applicant(s)

WUGOFSKI ET AL.

Examiner

Hai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 19-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 19-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed February 12, 2001 have been fully considered but they are not persuasive.

Regarding claims 1-12 and 19-29, Applicant argued "One or more favorite channel lists, the favorite channel lists comprising one or more logical channels relating to the user specified theme, wherein the computerized system identifies the logical channels showing an event of the user specified theme and includes each of the logical channels in the favorite channel list," which is not taught or suggested by Klosterman/Alten combination.

In response, the Examiner respectfully disagrees. Klosterman (Col.7, lines 11-34) and Alten (Col.26, lines 48-60) both teach "channels showing an event of the user specified theme in a favorites channel list." Alten at Col.26, lines 48-60 further discloses the claimed limitation "wherein the computerized system identifies the logical channels showing an event of the user specified theme and includes each of the logical channels in the favorite channel list."

Regarding claims 30-33, Applicant argued "Klosterman does not teach or suggest including the most watched channels in a favorite list."

In response, the Examiner respectfully disagrees because Klosterman discloses at Col.11, lines 50-54, "...the system may automatically order the channels that the user watches most will be listed first" reads on the claimed limitation "the most watched channels in a favorite list".

Applicant further argued "Alten does not teach or suggest automatically including any channels in a favorite list."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., automatically including any channels in a favorite list) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In conclusion, the Examiner maintains the rejection of claims 1-12 and 19-33.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-12 and 19-33 rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman et al. (US 6078348) in view of Alten et al. (US 5,781,246).

Regarding claim 1, Klosterman discloses a computerized system for managing favorite channels based on user specified theme, the computerized system comprising:

One or more favorite channel lists (Col.7, lines 11-28);

A favorite database for storing one or more favorite channel lists (Col.11, lines 45-54);

Klosterman shows the favorite channel lists comprising channels relating to the users specified theme (Col.11, lines 1-14), but fails to shows the favorite channel lists comprising one or more logical (virtual) channels.

Alten discloses the favorite channel lists comprising one or more logical (virtual) channels relating to the users specified theme (Col.26, lines 34-60) and (Col.28, lines 11-52). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Klosterman by mapping favorite channels listed to corresponding logical (virtual) channels, as taught by Alten, in order to enabling user to conveniently access the broadband services in an organized, structured format offered by the selected information service providers.

Regarding claim 2, Klosterman further discloses an EPG (Fig.2 a-b) content database storing a plurality of events (programs) available on one or more channels for a period of time (Col.6, lines 27-33).

Regarding claim 3, Klosterman and Alten further discloses wherein the user-specified theme corresponds to a theme field of the events in an EPG content database (Klosterman, Col.7, line 30 - Col.8, line 18) and (Alten, Col.27, lines 48-52).

Regarding claim 4, Klosterman further disclose an EPG data service for managing the EPG content database, the EPG data service providing functions for

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loading electronic program guide type data from one or more data services (Fig.1B-C; Col.3, lines 15 Col.4, lines 4).

Regarding claim 5, Klosterman and Alten further discloses a favorites service providing one or more user interfaces (Klosterman, Col.9, lines 16-67) and a plurality of management functions for each one of the favorite channel lists (Klosterman, Col.11, lines 45-67 and Alten, Fig.8, lines 55-61).

Regarding claim 6, Klosterman and Alten discloses wherein the management functions include at least one function selected from the group of functions consisting selecting a favorite event from one of the favorite channel lists (Klosterman, Col.7, lines 11-28 and Alten, Col.26, lines 5-13).

Regarding claim 7, Klosterman further discloses a channel map service (Channel table, Col.8, lines 39-41) for determining a physical channel number and a corresponding physical device (Klosterman, Col.12, lines 42-51), but fails to disclose a corresponding physical device for each one of the logical channels.

Alten discloses a corresponding physical device for each one of the logical (virtual) channels (Col.27, lines 37-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Klosterman by mapping a corresponding physical device (source) for each of the logical channels as taught by Alten in order to provide a quick and efficient method for scrolling or locating any particular channel or service through the list of available channels.

Regarding claim 8, see analysis of claim 1 in combination with claims 5-7.

Regarding claim 9, see analysis of claim 7.

Regarding claim 10, see analysis of claim 6.

Regarding claim 11, see analysis of claim 1.

Regarding claim 12, Klosterman further discloses an EPG content database for storing events available on the one or more channels for a period of time (Col.6, lines 27-33).

Regarding claim 19, see analysis of apparatus claim 1 in combination with claim 3.

Regarding claims 20, and 21 see analysis of apparatus claim 3.

Regarding claims 22 and 28, see analysis of claims 2, and 12.

Regarding claims 23, and 29 Alten further discloses the step of identifying is achieved by matching one or more words in an event description from the EPG content database to the user specified theme (Col.27, lines 52-62).

Regarding claim 24, Klosterman discloses a computer comprising a processor (Fig.1c, element 100).

A plurality of computer instructions executed by the processor for performing the steps of identifying one or more channels showing an event of a user specified theme and including each one of the channels in a favorite channel list (Col.3, lines 24-45 and Col.11, lines 1-14).

Klosterman discloses a computer device, PC/TV, except for a computer readable medium. It would have been obvious to one of ordinary skill in the art at the time the invention was made to claim a computer readable medium. Since it

was known in the computer art that a typical computer system includes at least a computer readable medium such as floppy or hard drive, in order to store an operating system, software applications and data so that the computer could operate.

Regarding claim 25, see analysis of claims 1-6.

Regarding claims 26 and 27 see analysis of claim 3.

Regarding claim 30, see analysis of claim 1, and Klosterman further discloses wherein the computerized system monitors usage of a plurality of physical channels for a predetermined time and includes the logical channel identifier for the logical channels used most frequently in the favorite channel list (Col.11, lines 45-67).

Regarding claim 31, Klosterman further discloses wherein the predetermined time is a twenty-four period (24hrs or one day) (Col.6, line 30).

Regarding claim 32, Klosterman further discloses wherein the predetermined time is a time slot (stopwatch) (Col.11, line 48-49).

Regarding claim 33, see analysis of claims 30-32.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Contact Fax Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or Faxed to:

(703) 308-9051, (for formal communication intended for entry)

or:

(703) 308-5399, (for informal or draft communications, please label "PROPOSED" or "DRAFT")


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (703) 308-7372. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5399.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
ART CENTER 2600

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